

REMARKS

This Amendment is fully responsive to the final Office Action dated July 9, 2009, issued in connection with the above-identified application. Claims 1-9 are pending in the present application. With this Amendment, claims 1, 2 and 4-7 have been canceled without prejudice or disclaimer to the subject matter therein; and claims 3, 8 and 9 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

I. Discussion with Examiner

The Applicants' thank Examiner Malangone for briefly discussing proposed amendments for responding to the rejections in the outstanding Office Action. During the discussion, the Examiner confirmed that if the claims were consistently amended to include the allowable subject matter of claim 3 (and any intervening claims) that the application would likely be placed in condition for allowance, and that a request for continued examination (RCE) would not be necessary. In particular, it was suggested to amend claim 3 to include the features of independent claim 1 and intervening claim 2. Additionally, it was suggested to amend independent claims 8 and 9 to include the features of claim 3 (as amended), and to cancel claims 1, 2 and 4-7.

II. Claim Objections

In the Office Action, claim 3 has been objected to for being dependent on a rejected base claim but would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. The Applicants have amended claim 3 to include the features of independent claim 1 and intervening claim 2 (as suggested by the Examiner). Independent claims 8 and 9 have also been amended to include all the features of claim 3 (as amended). Accordingly, withdrawal of the objection to claim 3 is respectfully requested.

III. Claim Rejections

In the Office Action, claims 1, 8 and 9 have been rejected under 35 U.S.C. 102(b) as being anticipated by Dudkiewicz et al. (U.S. Publication No. 2002/0087979, hereafter "Dudkiewicz"). The Applicants have amended independent claims 1, 8 and 9 to help further distinguish the present invention from the cited prior art.

As noted above, claim 3 has been objected to for being dependent on a rejected base claim but would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Accordingly, the Applicants have amended claim 3 to include the features of independent claim 1 (now canceled) and intervening claim 2 (now canceled). Additionally, independent claims 8 and 9 have also been amended to include all the feature of claims 3 (as amended).

Based on the above discussion, independent claims 3, 8 and 9 are not anticipated or rendered obvious by Dudkiewicz.

In the Office Action, claims 2 and 4-6 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz in view of Marsh (U.S. Publication No. 2003/0225777, hereafter “Marsh”); and claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz in view of Marsh, and further in view of Ohnuma et al. (U.S. Publication No. 2005/0060743, hereafter “Ohnuma”) and Herz et al. (U.S. Publication No. 2001/0014868, hereafter “Herz”).

Claims 2 and 4-7 have been canceled thereby rendering the above rejections to those claims moot.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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